

Council/Agency Meeting Held: _____	_____ City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: May 16, 2005	Department ID Number: PW 085-035

CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
SUBMITTED BY: *Penelope Culbreth Graft*
 PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR
PREPARED BY: PAUL EMERY, ACTING DIRECTOR OF PUBLIC WORKS
SUBJECT: **Approve Amendment to Willdan Contract and Appropriate Funds for Verizon FTTP Project**

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: Project management and inspection services required by the Verizon, Inc (Verizon) Fiber-To-The-Premises (FTTP) project have exceeded original estimates by approximately \$800,000. An amendment to the contract with Willdan to provide these services, and an appropriation for additional funding is necessary to maintain the project on schedule.

Funding Source: Appropriate \$800,000 from the General Fund undesignated balance to Public Works, Development Services, Professional Services Account 10085251.69365. Revenues received from Verizon will offset the expenditures.

Recommended Action: Motion to:

1. Approve and authorize the Mayor and City Clerk to execute Amendment No.1 to Professional Services Contract between the City of Huntington Beach and Willdan for Development Processing Services; and
2. Appropriate \$800,000 from the General Fund to fund the services; and
3. Authorize the expenditure of an additional \$800,000 for professional services from Business Unit 10085251.

Alternative Action(s): Do not approve the agreement or authorize the funding. This action would jeopardize the completion of the FTTP project on the current schedule. Project management and inspection services would be provided by the Public Works staff, which could delay completion of City projects as well as other private development projects.

E-10

REQUEST FOR ACTION

MEETING DATE: May 16, 2005

DEPARTMENT ID NUMBER: PW 05-035

Analysis: The Verizon FTTP project will install its telecommunications infrastructure by installing fiber-optic cables throughout the majority of the City of Huntington Beach. Approximately 140 miles of fiber-optic cabling is to be installed to serve residential and commercial users. The installation project was expected to be completed in approximately one year. Revised estimates indicate that this phase of the project will continue through mid-2006.

The City and Verizon have entered into a Reimbursement Agreement to pay for the City's costs associated with the FTTP project. As Public Works staffing is limited, additional personnel from outside consultants are being used for engineering plan review, encroachment permit issuance, and field inspection. Willdan is providing services for both the FTTP plan check and inspection. The contract increase of \$1 million will ensure continued support through project completion.

Per City Council action, a new General Fund appropriation must meet one of the following three criteria:

1. It is an unanticipated emergency,
2. It is required to implement labor negotiations, or
3. It is a new expense that is offset by related new revenues.

This new appropriation meets criteria #3, a new expense that is offset by related new revenues. Verizon is invoiced at the currently adopted rate for utility encroachment permit and inspection services.

Public Works Commission Action: Not required

Environmental Status: Not applicable

Attachment(s):

City Clerk's Page Number	No.	Description
3 10	1.	Amendment No. 1 to Willdan Contract
	2.	Fiscal Impact Statement

E-10.2

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ATTACHMENT #1

AMENDMENT NO. 1 TO PROFESSIONAL SERVICES
CONTRACT BETWEEN THE CITY OF HUNTINGTON BEACH
AND WILLDAN FOR DEVELOPMENT PROCESSING SERVICES

THIS AMENDMENT is made and entered by and between the CITY OF HUNTINGTON BEACH, a California municipal corporation, hereinafter referred to as "CITY", and WILLDAN, a California corporation, hereinafter referred to as CONSULTANT.

WHEREAS, CITY and CONSULTANT are parties to that certain agreement, dated July 19, 2004, entitled "Professional Services Contract Between the City of Huntington Beach and Willdan for Development Processing Services" which agreement shall hereinafter be referred to as the "Original Agreement," and

Since its execution, CITY and CONSULTANT wish to amend the Original Agreement to reflect additional compensation to be paid to CONSULTANT,

NOW, THEREFORE, it is agreed by CITY and CONSULTANT as follows:

1. ADDITIONAL COMPENSATION

Section 4 of the Original Agreement, entitled "Compensation," is hereby amended to read as follows:

In consideration of the performance of the services described herein, CITY agrees to pay CONSULTANT on a time and materials basis at the rates specified in Exhibit "A," which is attached hereto and incorporated by reference into this Agreement, a fee, including all costs and expenses, not to exceed One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00).

2. REAFFIRMATION

Except as specifically modified herein, all other terms and conditions of the Original Agreement shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their authorized officers on _____, 2005.

WILLDAN

By: Richard Kopchey

RICHARD KOPCHY

print name

ITS: (circle one) Chairman President Vice President

AND

By: Roy L. Gill

Roy L. Gill

print name

ITS: (circle one) Secretary Chief Financial Officer/Asst. Secretary - Treasurer

REVIEWED AND APPROVED:

Penelope Cullum
City Administrator

CITY OF HUNTINGTON BEACH, a municipal corporation of the State of California

Mayor

City Clerk

APPROVED AS TO FORM:

Jimmy McRae
City Attorney
2/31/05 203/31/05

INITIATED AND APPROVED:

ALY
Director of Public Works

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**INTENTIONALLY
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EXHIBIT "A"

E-10.6

WILLDAN

Schedule of Hourly Rates

July 1, 2003

ENGINEERING

Principal Engineer.....	\$160.00
Division Manager.....	150.00
City Engineer.....	150.00
Project Manager.....	150.00
Supervising Engineer.....	135.00
Senior Engineer.....	120.00
Senior Design Manager.....	120.00
Design Manager.....	110.00
Associate Engineer.....	110.00
Senior Designer.....	105.00
Senior Design Engineer II.....	105.00
Senior Design Engineer I.....	100.00
Designer II.....	100.00
Designer I.....	95.00
Design Engineer II.....	95.00
Design Engineer I.....	90.00
Senior Drafter.....	90.00
Drafter II.....	80.00
Drafter I.....	75.00
Technical Aide.....	65.00

CONSTRUCTION MANAGEMENT

Division Manager.....	150.00
Project Manager.....	150.00
Senior Construction Manager.....	130.00
Construction Manager.....	120.00
Assistant Construction Manager.....	100.00
Utility Coordinator.....	105.00
Supervising Public Works Observer.....	105.00
Senior Public Works Observer.....	90.00
Public Works Observer.....	**80.00 / 90.00
Assistant Public Works Observer.....	**70.00 / 90.00
Labor Compliance Manager.....	105.00
Labor Compliance Specialist.....	80.00

SURVEYING

Division Manager.....	150.00
Supervisor - Survey & Mapping.....	135.00
Senior Survey Analyst.....	105.00
Senior Calculator.....	105.00
Calculator II.....	90.00
Calculator I.....	80.00
Survey Analyst II.....	90.00
Survey Analyst I.....	80.00
Survey Party Chief.....	100.00
Two-Man Field Party.....	200.00
Three-Man Field Party.....	250.00

LANDSCAPE ARCHITECTURE

Division Manager.....	150.00
Principal Landscape Architect.....	120.00
Senior Landscape Architect.....	100.00
Associate Landscape Architect.....	95.00
Assistant Landscape Architect.....	80.00

BUILDING AND SAFETY

Division Manager.....	150.00
Supervising Plan Check Engineer.....	120.00
Building Official.....	120.00
Plan Check Engineer.....	110.00
Deputy Building Official.....	110.00
Inspector of Record.....	110.00
Senior Plans Examiner.....	100.00
Supervising Building Inspector.....	100.00
Plans Examiner.....	90.00
Senior Building Inspector.....	90.00
Building Inspector.....	**80.00 / 90.00
Supervising Construction Permit Specialist.....	80.00
Senior Construction Permit Specialist.....	75.00
Assistant Building Inspector.....	**70.00 / 90.00
Code Enforcement Officer.....	65.00
Construction Permit Specialist.....	60.00
Assistant Construction Permit Specialist.....	55.00
Plans Examiner Aide.....	55.00
Assistant Code Enforcement Officer.....	55.00

PLANNING

Division Manager.....	150.00
Principal Planner.....	120.00
Principal Community Development Planner.....	120.00
Senior Planner.....	110.00
Senior Community Development Planner.....	110.00
Associate Planner.....	95.00
Associate Community Development Planner.....	95.00
Assistant Community Development Planner.....	85.00
Assistant Planner.....	85.00
Planning Technician.....	65.00
Community Development Technician.....	65.00

ADMINISTRATIVE

Computer Data Entry.....	50.00
Clerical.....	50.00
Word Processing.....	50.00
Personal Computer Time.....	15.00

**Prevailing Wage Project, Use \$90.00/Hour

These hourly rates are effective through June 30, 2004 and may be adjusted after that date to compensate for labor adjustments and other increases and costs. Additional billing classifications may be added to the above listing during the year as new positions are created. Consultation in connection with litigation and court appearances will be quoted separately. The above schedule is for straight time. Overtime will be charged at 1.25 times, and Sundays and holidays, 1.70 times the standard rates. Blueprinting, reproduction, messenger services, and printing will be invoiced at cost plus fifteen percent (15%). A subconsultant management fee of fifteen percent (15%) will be added to the direct cost of all subconsultant services to provide for the cost of administration, consultation, and coordination.

E - 10.7

DATE (MM/DD/YY)
11/02/04

PRODUCER

Dealey, Renton & Associates
P. O. Box 10550
Santa Ana, CA 92711-0550
714 427-6810

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED

Willdan
2125 E. Katella Avenue, Ste. 200
Anaheim, CA 92806

INSURER A:	Hartford Fire Ins. Co.
INSURER B:	American Automobile Ins. Co.
INSURER C:	XL Specialty Insurance Co.
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	57CESOA1661	11/09/04	11/09/05	EACH OCCURRENCE	\$1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$1,000,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$10,000
	<input checked="" type="checkbox"/> CONTRACTUAL				PERSONAL & ADV INJURY	\$1,000,000
	<input checked="" type="checkbox"/> BFPD, XCU				GENERAL AGGREGATE	\$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMPIOP AGG	\$2,000,000
<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO- JECT <input checked="" type="checkbox"/> LOC						
A	AUTOMOBILE LIABILITY	57UENUL9643	11/09/04	11/09/05	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
	<input checked="" type="checkbox"/> HIRED AUTOS					
<input checked="" type="checkbox"/> NON-OWNED AUTOS						
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
<input type="checkbox"/> ANY AUTO					OTHER THAN EA ACC	\$
					AUTO ONLY: AGG	\$
	EXCESS LIABILITY				EACH OCCURRENCE	\$
<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE					AGGREGATE	\$
<input type="checkbox"/> DEDUCTIBLE						\$
<input type="checkbox"/> RETENTION \$						\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WZP80926637	11/09/04	11/09/05	<input checked="" type="checkbox"/> WC STATU- TORY LIMITS <input type="checkbox"/> OTH- ER	
	E.I. EACH ACCIDENT				\$1,000,000	
	E.I. DISEASE - EA EMPLOYEE				\$1,000,000	
	E.I. DISEASE - POLICY LIMIT				\$1,000,000	
C	OTHER Professional Liability	DPR9406466	11/09/04	11/09/05	\$1,000,000 per claim \$1,000,000 annl aggr.	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
<p>1. OPERATIONS: All operations are covered except those specifically excluded by the policy.</p> <p>2. LOCATIONS: All locations are covered except those specifically excluded by the policy.</p> <p>3. VEHICLES: All vehicles are covered except those specifically excluded by the policy.</p> <p>4. EXCLUSIONS: The following exclusions apply to this policy:</p> <ul style="list-style-type: none"> War, warlike operations, rebellion, revolution, insurrection, or civil war. Nuclear energy, nuclear war, nuclear terrorism, or nuclear explosion. Warfare, military operations, or armed conflict. War, warlike operations, rebellion, revolution, insurrection, or civil war. Nuclear energy, nuclear war, nuclear terrorism, or nuclear explosion. Warfare, military operations, or armed conflict.

General Liability policy excludes claims arising out of the performance of professional services

**Re: Plan Check and Development Processing Services
(FOOTHILL RANCH)**

APPROVED AS TO FORM:

JENNIFER McGRATH, City Attorney
12/13/09

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION Ten Day Notice for Non-Payment of Premium

**City of Huntington Beach
Attn: Terri Elliott
2000 Main Street
Huntington Beach, CA 92648**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL SEND BY MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. ~~BY MAIL~~

**APPROVED FOR EXPORT ONLY
RESTRICTED EXPORT
AUTHORIZED REPRESENTATIVE**

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POLICY NUMBER: 57CESOA1661

COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED - OWNERS, LESSEES or
CONTRACTORS (FORM B)**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:

City of Huntington Beach
Attn: Debbie Debow
2000 Main Street
PO Box 190
Huntington Beach, CA 92648

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

Name of Person or Organization Continued: its agents, officers and employees

APPROVED AS TO FORM:

JENNIFER McGRATH, City Attorney

12/13/04

E-10.9

E-10.10

ATTACHMENT #2



CITY OF HUNTINGTON BEACH

INTERDEPARTMENTAL COMMUNICATION

To: Penelope Culbreth-Graft, City Administrator

From: Dan Villella, Finance Officer

Subject: FIS 2005 – 16 **Approve Amendment to Willdan Contract and Appropriate Funds for Verizon FTTP Project**

Date: April 27, 2005

As required by Resolution 4832, this Fiscal Impact Statement has been prepared for **"Approve Amendment to Willdan Contract and Appropriate Funds for Verizon FTTP Project."**

If the City Council approves this action (total appropriation \$800,000), the estimated unreserved General Fund balance at September 30, 2005 will be reduced to \$18,794,000.

Dan Villella,
Finance Officer

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